

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JUSTIN SORG,
Defendant.

Case No. 12-cr-00023-PJH-1

**ORDER DENYING APPLICATION FOR
PRELIMINARY ORDER OF
FORFEITURE**

Re: Dkt. No. 32

The government has filed an application for a preliminary order of forfeiture as to the firearm and ammunition involved in the violation of 18 U.S.C. § 922(g)(1) for which defendant was convicted. Dkt. no. 32. Because the order of forfeiture was not included in the judgment as required by Federal Rule of Criminal Procedure 32.2(b)(4), the government's application is DENIED WITHOUT PREJUDICE. The government may renew its application for an order of forfeiture subject to the following conditions: (1) establishing a basis to correct the judgment under Rule 36; (2) demonstrating that the court included the forfeiture when orally announcing the sentence, or otherwise ensured that defendant knew of the forfeiture at sentencing, as required by Rule 32.2(b)(4)(B); and (3) establishing that there is no undue delay in seeking the proposed order of forfeiture.

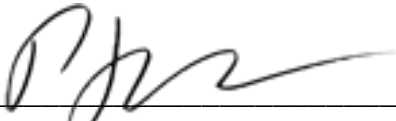
If the government elects to renew its application for an order of forfeiture, it must serve the application on counsel who represented defendant at the time of sentencing. Counsel for defendant may file an opposition or otherwise respond within 14 days of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

government's filing of its renewed application for an order of forfeiture. No reply briefs may be filed, and the matter will be submitted on the papers.

IT IS SO ORDERED.

Dated: April 21, 2017



PHYLLIS J. HAMILTON
United States District Judge